

108TH CONGRESS }  
*1st Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
108-106

NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2004

---

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ON

H.R. 1588

together with

ADDITIONAL, DISSENTING, AND  
SUPPLEMENTAL VIEWS

[Including cost estimate of the Congressional Budget Office]



MAY 16, 2003.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE

00-000

WASHINGTON : 2003

### ADDITIONAL VIEWS

These additional views express our concerns regarding the proposal for a new Department of Defense National Security Personnel System included in H.R. 1588. We recognize the need for some changes in the personnel management system at the Department of Defense (DoD) that help the department adapt to today's international security and employment environment. In particular, we feel that more flexibility in hiring practices and a fair pay-for-performance system that does a better job of rewarding the best DOD civilian employees could be very important steps toward creating a more effective Department of Defense. However, we believe that the proposal included in H.R. 1588 goes too far, too fast. Rather than presenting Congress with a plan to address specific problems in the current civilian personnel system, the Department has requested blanket authority to create an entirely new system with only the flimsiest safeguards for fundamental employee rights. We believe that this "blank check" approach to reform is not the way to proceed.

As recently demonstrated by the performance of our military forces in Iraq, the Department of Defense is a highly effective organization that is producing superb military capability. Civilians at DOD—numbering more than 700,000—were a critical part of this military success. The quality of this performance demonstrates that Congress has time to do this right. Simply put, there is no "crisis" in the DOD civil service system that requires the ill-considered, rushed, and unclear reform effort embodied in H.R. 1588. Our concern is that in trying to go too fast in this critical area of reform, the Department risks undermining the morale and effectiveness of a patriotic and loyal civilian workforce that is a key part of the outstanding military capabilities our nation enjoys today.

In addition to our concerns with the overly broad and rushed approach to reform of the civilian personnel system inherent in H.R. 1588, we are troubled by the lack of explicit protections for fundamental workers' rights in the legislation. The proposal grants broad authority to the current—and every future—Secretary of Defense to create and manage a new personnel system that is exempt from many current employee protections embodied in Title 5, United States Code: the right to true collective bargaining, the right to a fair appeals system, premium payment for employees in hazardous jobs, adequate overtime and weekend compensation, preferences for veterans in hiring and retention, equal pay for equal work, and protection from adverse actions due to political affiliation. We believe that an effective approach to reform does not require casually tossing aside these critical protections, which are now protected in statute, in exchange for the promises and good intentions of the current and future leadership of the Department of Defense. We fear that if the Department of Defense fails to use this new author-

ity in a responsible manner, we risk returning the nation's most important government department to a "spoils" system where political loyalty and favoritism are more important than competence and merit.

During floor consideration of H.R. 1588, we hope to present amendments that address our concerns regarding the overly broad and sweeping provisions that grant the Department of Defense unprecedented authority to establish an entirely new personnel system. Informed and carefully considered reform of the DOD civil service system may be needed, but we feel that the approach represented by H.R. 1588 may place America's current military strength at risk by trying to change too much, too fast. We feel that Congress owes it to our Department of Defense civilian employees, our Armed Forces, and the American people to get these critical reforms right.

JIM COOPER.  
IKE SKELTON.  
JOHN SPRATT.  
GENE TAYLOR.  
CIRO D. RODRIGUEZ.  
SILVESTRE REYES.  
NEIL ABERCROMBIE.  
SUSAN A. DAVIS.  
ADAM SMITH.  
JAMES LANGEVIN.  
JOHN B. LARSON.  
STEVE ISRAEL.  
ROBERT A. BRADY.  
KENDRICK B. MEEK.  
SOLOMON P. ORTIZ.  
RICK LARSEN.  
TIM RYAN.  
ELLEN O. TAUSCHER.